

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ANTHONY SHANE JEFFERS

v.

CRIMINAL NO. 1:16CR28-LG-JCG
CRIMINAL NO. 1:15CR55-LG-RHW-6
CIVIL NO. 1:17CV273-LG

UNITED STATES OF AMERICA

ORDER DENYING MOTION FOR RECONSIDERATION

BEFORE THE COURT is the Motion [19, 301] for Reconsideration of this Court's Order [18, 300] denying a request for free copies of documents in the court record filed by the petitioner Anthony Shane Jeffers.¹ After reviewing the Motion, the record in this matter, and the applicable law, the Court finds that the Motion should be denied.

DISCUSSION

Jeffers was one of seven defendants charged in this criminal conspiracy action. The Indictment states that “[i]t was the object of the conspiracy for the defendants . . . , and others, to unlawfully enrich themselves by conducting multiple complex financial fraud schemes via the internet, U.S. mail and various express package delivery services.” (Indictment 5 (¶39), ECF No. 17). The alleged “fraud schemes included work at home scams; secret shopper scams; fraudulent check scams and fraudulent credit card account purchases.” (*Id.*) According to the Government, “[t]he proceeds of the scams, both checks and goods, were shipped to various locations in the United States

¹ Jeffers filed the same Motion for Reconsideration in cause numbers 1:16cr28 and 1:15cr55. The Motion is docket number [19] in cause number 1:15cr55 and docket number [300] in cause number 1:16cr28.

and to Nigeria through a complex re-shipping network of both complicit and unwitting individuals recruited through various internet scams.” (*Id.*)

On the day that trial was set to begin in April 2016, Jeffers agreed to plead guilty to conspiracy to commit identify theft and theft of government funds pursuant to a written plea agreement with the Government. He also agreed to waive his right to appeal his sentence or to attack his sentence collaterally under § 2255. (*See* Plea Agreement, ECF No. 188). He was thereafter sentenced in September 2016 to 120 months’ imprisonment.

On September 29, 2017, Jeffers filed a Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence alleging ineffective assistance of counsel and actual innocence in cause number 1:15cr55. He claims that he was a victim of the scam for which he was convicted, not a perpetrator. He alleges that his email account was hacked, and that someone else conducted the fraudulent transactions at issue.

Jeffers also filed a Motion asking the Court to provide him with free copies of “the documents on file that pertain to his representation by Court appointed attorney Melvin G. Cooper, Esq. in the above referenced case” as well as the transcripts from the change of plea and sentencing hearings and the “release of the Department of Homeland Security Report of Investigation.” (Mot. at 1, ECF No. 299). The Court denied the Motion because Jeffers had not explained how the records he requested would assist him in pursuing his claims for post-conviction relief or specified which of his claims would be supported by the records sought, which specific records were needed, or why they were relevant. The Court also noted that Jeffers’ request was too vague and that some of the documents requested were not contained in the Court file.

Jeffers now seeks reconsideration of the denial of his request for copies. He now specifies that he is seeking the following documents: the indictment/information, motions and supporting memoranda filed by either the United States or his attorney, any documents filed either by the United States or his attorney “as they relate to the prosecution or defense of Anthony Shane Jeffers in the above captioned case,” the transcript of the change of plea hearing, and the transcript of the sentencing hearing. He also states that he seeks these documents to support his claim that there was no investigation as to whether his email account was hacked. However, he still has not explained how the documents and transcripts he requests would help him demonstrate this claim. As a result, Jeffers’ Motion for Reconsideration must be denied. *See United States v. Watson*, 61 F. App’x 919, at *1 (5th Cir. 2003) (holding that a prisoner must demonstrate that the records requested are necessary for the proper disposition of his claims).

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Motion [19, 301] for Reconsideration filed by the petitioner Anthony Shane Jeffers is **DENIED**.

SO ORDERED AND ADJUDGED this the 9th day of November, 2017.

s/ Louis Guirola, Jr.
Louis Guirola, Jr.
United States District Judge